

EXHIBIT 3

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BY EMAIL

Hillel Deutsch
Assistant Attorney General
New York State Office of the Attorney General
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Re: *Wishart v. Welkley et al.*, Case No. 19-cv-6189 (DGL) (MJP)

Mr. Deutsch,

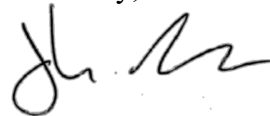
We write because we still have not received a complete list of your clients' cell phones.

Two and a half months ago, Judge Pedersen directed Defendants to "provide access to the devices and accounts that have not been properly collected so that the chosen ESI vendor can complete ESI collection in a forensically sound manner." Jan. 29, 2021 Order (ECF Doc. 83) at 10. Despite this clear order, Defendants refused to provide access to all of their cell phones. Accordingly, Plaintiff had to seek judicial intervention, yet again, to force Defendants to comply with the Court's discovery orders (*see* ECF Doc. 17, 27, 39, 64, 85).

At a conference held on March 17, 2021, the Court ordered Defendants to provide access to "all" of their cell phones. On March 18, 2021, the Court entered the following Minute Entry on the docket: "Defendants are directed to comply with the Court's prior orders concerning discovery, forthwith, as discussed during the conference on March 17, 2021" (ECF Doc. 86).

It has been more than three weeks since the Court entered that Order and you *still* have not provided a complete list of your clients' cell phones. If we have not received the complete list by the close of business tomorrow, we will ask the Court for a briefing schedule for a motion to strike the defendants' answer.

Sincerely,



Joshua S. Moskowitz
THE LAW OFFICE OF JOSHUA MOSKOVITZ, P.C.

Rob Rickner
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